HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 27270 of 2005

Dated: 29-08-2007

Between:

Sunil Kumar Srivastava

..... PETIT

AND

Government of Andhra Pradesh,
Rep., by its Secretary,
Hyderabad and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 27270 of 2005

O R D E R:

This writ petition is filed for a writ of Mandamus to decla proceedings No.HC-3/Arms/3470/2002 dated 08-10-2005 issued by respondent in rejecting the application of the petitioner for grant o Licence as illegal and arbitrary.

The petitioner, who claims to be a businessman dealing with g silver and carrying on his business in the old city of Hyderabad, on occasions filed separate applications before the Government and the House Officer concerned for grant of Arms Licence. However, the appli were returned with a request to the petitioner to approach the a concerned for grant of Arms Licence. Eventually, the petitioner m application on 04-03-2005 to the Deputy Commissioner of Police, Zone, Hyderabad, who vide his memo dated 08-10-2005, which is im in this writ petition, rejected the same. The memo reads as under:

GOVERNMENT OF ANDHRA PRADESH
(Police Department)
Office of the
Dy.Commissioner o
Central Zone, Hyd

No.HC-3/Arms/3470/2002 Dated:08-10-2005

M E M O

Sub: Central Zone, Hyderabad – Arms Act & Rules – Request for issue of arms licence of Sri Sunil Kumar Srivastav – considered and Rejected – Regarding.

Ref: 1) Your application dated: 24-06-2002.
2) This office lmemo of even No. dated 03-09-2003.
3) Your application received on 04-03-2005.

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Please refer your application 3rd cited for grant of Arms Licence request has already been rejected vide this office memo reference 2nd cited.

Hence, your application once again considered and rejected.

Dy.Commissioner o
Central Zone, Hyc

To
Sri SunilKumar Srivastava.
R/o B.204, 1st Floor, Nandam Apartments,
F.S.Lane, Hyderabad.
(Through: The Inspector of Police, Abid Road Police Station).

Copy to the Inspector of Police, Abid Road Police Station. He will serv memo on the applicant ad return the acknowledged copy to this office urgentl

A counter affidavit has been filed by the Deputy Commissi Police, Central Zone, Hyderabad, wherein it is mentioned that th Commissioner of Police, before whom an application was filed, has r his application on

09-09-2003 and that later, the petitioner approached the Deputy Secr Government without mentioning the earlier application of rejection Deputy Secretary also returned the petitioner's application with a dire him to approach the local licencing authority for consideration application vide his letter dated 28-12-2004. It is further mentioned t petitioner's application, made in the month of March, 2005, was rejecte Commissioner of Police through his memo dated 08-10-2005. It is alsc that since the petitioner's applications were rejected earlier, the que reconsidering the petitioner's request does not arise.

Heard Sri P.Venugopal, learned counsel for the petitioner.

None appeared for the respondents.

Sri P.Venugopal contended that the impugned memo is liable tc aside for the sole reason that it does not contain proper reasons for reje the petitioner's application for grant of Arms Licence.

Though in memo dated 08-10-2005, which is questioned in t

petition, memo dated 03-09-2003 under which the petitioner's applicati purportedly rejected earlier was referred and a reference to the same made in the counter affidavit, the respondents have not filed a copy same. In the absence of a perusal of the said rejection order, this C unable to know the reasons for rejection. Section 14(3) of the Arms Ac (for short 'the Act') obligates the Licencing Authority to record reas writing, in case it refuses to grant licence to any person. This s obligation is reiteration of the basic principles of natural justice t authority refusing to grant relief shall record reasons.

On a careful consideration of the impugned memo, I am of the vi it does not satisfy the requirement of this fundamental principle. I th deem it appropriate to set aside the impugned memo and direct respondent to consider the application of the petitioner in the light provisions of Section 14 of the Act. The 3rd respondent shall pas orders within a period of four weeks from the date of receipt of a copy order.

Accordingly, the writ petition is disposed of. No costs.

C.V.NAGARJUNA RE

Date: 29-08-2007
KLP